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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

**TERRENCE KNIGHT BENOIT
LA. DOC #489486**

VS.

CIVIL ACTION NO. 6:09-2094

SECTION P

JUDGE HAIK

WARDEN BURL CAIN

MAGISTRATE JUDGE HILL

JUDGEMENT

This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. No objections have been filed. The Court concludes that the Report and Recommendation of the magistrate judge is correct and therefore adopts the conclusions set forth therein. Accordingly;

IT IS ORDERED that the instant action is **DISMISSED WITHOUT PREJUDICE** because the instant petition constitutes a second and successive *habeas* petition within the meaning of 28 U.S.C. §2244(b) filed without prior authorization of the United States Fifth Circuit Court of Appeals.

THUS DONE AND SIGNED, in chambers, in Lafayette, Louisiana, on this

1st day of April, 2010.


RICHARD T. HAIK
UNITED STATES DISTRICT JUDGE